

Administrative Procedure Act, FRA finds good cause exists to publish this as a final rule without opportunity for public comment, and to make it effective on the date of publication.

Federalism

FRA has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires a review of rules to assess their impact on small entities. In reviewing the economic impact of the rule, FRA concluded that it will not have any measureable impact on small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations. Therefore, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rulemaking contains no reporting requirements that are subject to OMB approval under 5 CFR part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

Environmental Assessment

This final rule meets the criteria that establish this as a non-major action for environmental purposes.

List of Subjects

49 CFR Part 251

Loan programs—transportation, Railroads.

49 CFR Part 258

Grant programs—transportation, Railroads.

Accordingly, for the reasons set forth in the Preamble, under the authority of 45 U.S.C. 602, 45 U.S.C. 621 and 49 U.S.C. 1651 FRA is amending 49 CFR Ch. II by removing parts 251 and 258.

PARTS 251 AND 258—[REMOVED]

Issued in Washington, DC, on January 31, 1996.

Jolene M. Molitoris,
Administrator, Federal Railroad
Administration.

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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 44]

RIN 2127-AF02

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Clarification of compliance date.

SUMMARY: The subject of this document is a final rule that amended Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems," (49 CFR § 571.213) to add a greater array of sizes and weights of test dummies for use in compliance tests. The compliance date for the rule (i.e., the date on which manufacturers must begin complying with the amendments) is September 1, 1996.

NHTSA typically includes language in its regulations, when appropriate, to permit manufacturers the option of complying with new requirements before the compliance date of those requirements. However, the agency inadvertently omitted such language from the above-mentioned rulemaking documents. This document corrects this oversight and announces the date on which it became permissible for manufacturers to begin voluntarily producing child restraint systems that comply with the new requirements.

DATES: The effective date (i.e., the date on which the text of the CFR is changed) of the final rule published July 6, 1995 (60 FR 35126) and corrected September 29, 1995 (60 FR 50477), remains January 3, 1996.

Beginning January 3, 1996, it was permissible for manufacturers to begin complying with these amendments voluntarily.

The mandatory compliance date for the amendments made by those documents (i.e., the date on which manufacturers must begin complying with the amendments) is September 1, 1996.

FOR FURTHER INFORMATION CONTACT:

For nonlegal issues: Dr. George Mouchahor, Office of Vehicle Safety Standards (telephone 202-366-4919).

For legal issues: Ms. Deirdre Fujita, Office of the Chief Counsel (202-366-2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION: On July 6, 1995 (60 FR 35126), NHTSA published

a final rule (later corrected September 29, 1995 (60 FR 50477)) amending Standard 213, "Child Restraint Systems," to add a greater array of sizes and weights of test dummies for use in compliance tests and to revise labeling requirements. (This amendment is hereinafter referred to as "the upgraded requirements.") The compliance date for the rule for manufacturers of add-on (portable) child restraints was January 3, 1996. In response to requests in petitions for reconsideration from two manufacturers of add-on restraints, NHTSA extended this compliance date to September 1, 1996, to provide more leadtime to manufacturers of add-on restraints to meet the requirements and to make the compliance date the same as that for manufacturers of built-in restraints. 60 FR 63651, December 12, 1995.

Ms. Kathleen Weber of the Child Passenger Protection Research Program of the University of Michigan Medical School (UM-CPP) asked the agency whether manufacturers of add-on systems could begin meeting the upgraded requirements before September 1, 1996, the compliance date for those requirements. She stated that while some manufacturers may need until September 1996 to comply, other manufacturers might already have the capability to meet the upgraded requirements and might wish to meet them before that date.

In its rules amending FMVSSs to add new requirements, NHTSA usually discusses the issue of whether vehicles or equipment manufactured before the compliance date for the new requirements may comply with those new requirements in lieu of complying with the existing requirements. However, in the rules establishing the upgraded requirements for Standard 213 and extending the compliance date of the requirements for add-on restraints to September 1996, the agency inadvertently omitted any discussion of early voluntary compliance. To correct that oversight, this document makes it clear that add-on and built-in child restraint systems may comply with the upgraded requirements in advance of the September 1, 1996 mandatory compliance date without violating any other provisions in Standard 213 or 49 U.S.C. 30101 *et seq.* (formerly the National Traffic and Motor Vehicle Safety Act).

NHTSA notes, however, that the upgraded requirements are subject to change. There are still a number of pending petitions for reconsideration of the July 1995 rule. While NHTSA responded to the requests in the petitions for reconsideration of the

effective (compliance) date for the rule, the agency has yet to respond to requests concerning several substantive provisions of the rule. Those provisions include the ones specifying which child test dummy is used to test a particular restraint system, and the ones specifying new labeling requirements. The agency's decision on these requests will be announced in the Federal Register in the near future. If the agency makes changes in the upgraded requirements of July 1995 in response to those requests, those changes could affect those manufacturers which voluntarily comply with the July 1995 requirements before the mandatory compliance date

of September 1, 1996, as well as all child restraint manufacturers after that date. Thus, while manufacturers which voluntarily comply with the upgraded requirements as currently written will be in compliance with Standard 213, they would be responsible for complying with any revised requirements (made in response to petitions for reconsideration) once the mandatory compliance date for those revisions takes effect. If the agency makes any changes, it would provide whatever leadtime, if any, is necessary to meet them.

This document does not impose any additional responsibilities on any child restraint or vehicle manufacturer.

Instead, it corrects an oversight in the rules of July 6, 1995, as corrected, and of December 12, 1995. This document merely clarifies that manufacturers which wish to produce restraints that comply with the upgraded requirements of Standard 213 before September 1, 1996, may do so.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on: February 5, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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